

CHAPTER 1. GENERAL PROVISIONS

MICHIGAN COURT RULES OF 1985

Subchapter 1.100 Applicability; Construction

Rule 1.101 Title; Citation

These rules are the "Michigan Court Rules of 1985." An individual rule may be referred to as "Michigan Court Rule _____," and cited by the symbol "MCR _____." For example, this rule may be cited as MCR 1.101.

Rule 1.102 Effective Date

These rules take effect on March 1, 1985. They govern all proceedings in actions brought on or after that date, and all further proceedings in actions then pending. A court may permit a pending action to proceed under the former rules if it finds that the application of these rules to that action would not be feasible or would work injustice.

Rule 1.103 Applicability

The Michigan Court Rules govern practice and procedure in all courts established by the constitution and laws of the State of Michigan. Rules stated to be applicable only in a specific court or only to a specific type of proceeding apply only to that court or to that type of proceeding and control over general rules.

Rule 1.104 Statutory Practice Provisions

Rules of practice set forth in any statute, if not in conflict with any of these rules, are effective until superseded by rules adopted by the Supreme Court.

Rule 1.105 Construction

These rules are to be construed to secure the just, speedy, and economical determination of every action and to avoid the consequences of error that does not affect the substantial rights of the parties.

Rule 1.106 Catch Lines

The catch lines of a rule are not part of the rule and may not be used to construe the rule more broadly or more narrowly than the text indicates.

Rule 1.107 Number

Words used in the singular also apply to the plural, where appropriate.

Rule 1.108 Computation of Time

In computing a period of time prescribed or allowed by these rules, by court order, or by statute, the following rules apply:

(1) The day of the act, event, or default after which the designated period of time begins to run is not included. The last day of the period is included, unless it is a Saturday, Sunday, legal holiday, or holiday on which the court is closed pursuant to court order; in that event the period runs until the end of the next day that is not a Saturday, Sunday, legal holiday, or holiday on which the court is closed pursuant to court order.

(2) If a period is measured by a number of weeks, the last day of the period is the same day of the week as the day on which the period began.

(3) If a period is measured by months or years, the last day of the period is the same day of the month as the day on which the period began. If what would otherwise be the final month does not include that day, the last day of the period is the last day of that month. For example, "2 months" after January 31 is March 31, and "3 months" after January 31 is April 30.

Rule 1.109 Paper and Type-Size Standard

(A) All pleadings and other papers prepared for filing in the courts of this state must be on good quality 8½ by 11 inch paper, and the print must be no smaller than 12-point type. This requirement does not apply to

(1) forms approved by the State Court Administrative Office, and

(2) attachments and exhibits, but parties are encouraged to reduce or enlarge such papers to 8½ by 11 inches, if practical.

(B) Court clerks may not accept nonconforming papers except on written direction of a judge.

Rule 1.110 Collection of Fines and Costs

Fines, costs, and other financial obligations imposed by the court must be paid at the time of assessment, except when the court allows otherwise, for good cause shown.

Subchapter 1.200 Amendment of Michigan Court Rules

Rule 1.201 Amendment Procedure

(A) Notice of Proposed Amendment. Before amending the Michigan Court Rules or other sets of rules within its jurisdiction, the Supreme Court will notify the secretary of the State Bar of Michigan and the state court administrator of the proposed amendment, and the manner and date for submitting comments. The notice also will be posted on the Court's website, www.courts.mi.gov/supremecourt.

(B) Notice to Bar. The state bar secretary shall notify the appropriate state bar committees or sections of the proposed amendment, and the manner and date for submitting comments. Unless otherwise directed by the Court, the proposed amendment shall be published in the Michigan Bar Journal.

(C) Notice to Judges. The state court administrator shall notify the presidents of the Michigan Judges Association, the Michigan District Judges Association, and the Michigan Probate and Juvenile Court Judges Association of the proposed amendment, and the manner and date for submitting comments.

(D) Exceptions. The Court may modify or dispense with the notice requirements of this rule if it determines that there is a need for immediate action or if the proposed amendment would not significantly affect the delivery of justice.

(E) Administrative Public Hearings. The Court will conduct a public hearing pursuant to Supreme Court Administrative Order 1997-11 before acting on a proposed amendment that requires notice, unless there is a need for immediate action, in which event the amendment will be considered at a public hearing following adoption. Public hearing agendas will be posted on the Court's website.